

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

IN RE: DIGITEK  
PRODUCTS LIABILITY LITIGATION

MDL NO. 1968

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THIS DOCUMENT RELATES TO ALL CASES

**APPLICATION OF M. ROBERT BLANCHARD FOR APPOINTMENT TO THE  
PLAINTIFF'S STEERING COMMITTEE**

The undersigned, M. Robert Blanchard submits this application to serve on the  
Plaintiff's Steering Committee:

**COMMITMENT TO THE CASE AND AVAILABILITY**

As required by Pretrial Order #2, I have instituted two actions in the litigation, Bumbales v. Activas, Case no. 1:08-cv-00188-IMK and Greer v. Activas, Case no. 1:08-cv-00187-IMK (N.D. W.V.), which are currently pending transfer to this Court. I have many other Digitek clients and we are reviewing their medical records with M.D. consultants. I have attended both the JPML hearing and the initial hearing in this Court. I understand the Court's expectations for counsel. I am not seeking appointment in any other MDL cases. I will have the time and commitment to handle all work of this PSC. My firm is known to make all cash call contributions as needed in MDL cases.

### **ABILITY TO WORK COOPERATIVELY**

I have always maintained civil relationships with opposing counsel and in this litigation I have already dealt with opposing counsel and have reached cordial agreements on a couple of pending issues with the defendants. I believe I am well known to MDL Plaintiffs' counsel as an amiable and reasonable person who is willing to do whatever work is needed on a case.

### **PROFESSIONAL EXPERIENCE**

In addition to being lead attorney in over 40 injury trials, I have tried cases before juries, judges, and arbitration panels in cases including consumer fraud, securities fraud, contract disputes, antitrust, RICO, foreclosure, contested bankruptcy actions, boundary disputes, child custody and criminal defense and prosecution. I have also argued appeals before the Circuit Courts of Appeal for the 5th and 11th Federal Circuits and Florida's First District Court of Appeals.

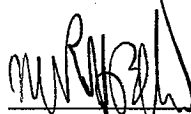
I was a Law Review Associate Editor at University of Florida and I am a Past President of the Board of Trustees for Northwest Florida Legal Services. I am admitted to practice in Florida, and the Federal Court for the Northern District of Florida. I have done MDL work in the Diet Drug, Rezulin and Ortho Evra cases.

Our law firm was established in 1955 and has been active in the education of lawyers in pharmaceutical cases, as founder of the seminar series known as Mass Torts Made Perfect. Our firm attorneys have served in positions including: In re Vioxx Products Liability Litigation, MDL 1657 (E.D. Louisiana) (PSC, Co-Chair Discovery Committee, Science Committee); In re Accutane

Products Liability Litigation, MDL 1626 (M.D. Florida) (Co-Chair Discovery Committee); In re Bextra and Celebrex Marketing Sales Practices and Products Liability Litigation, MDL 1699 (PSC, Discovery and Science Committee); In re Ortho Evra Products Liability Litigation, MDL 1742 (N.D. Ohio) (PSC); In Re Zyprexa Products Liability Litigation, MDL 1596 (PSC, Plaintiffs Briefing Committee, Science Committee and Discovery Committee); In Re: Rezulin Products Liability Litigation, MDL 1348 (PSC, Discovery Committee (Co-Chair), Science Committee); In re Fosamax Products Liability Litigation, MDL 1789 (S.D. N.Y.) (Lead counsel); In Re: Concentrate Blood Products Litigation, MDL 986 (PSC); In Re: Diet Drugs Products Liability Litigation, MDL 1203 (PSC).

My firm has a dedicated and experienced staff of paralegals and legal assistants working on Digitek cases and will have much to contribute to this litigation. Wherefore, I ask this Honorable Court to consider my application for appointment to the Plaintiffs' Steering Committee.

Respectfully Submitted,



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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been electronically filed with the Clerk of Court through CM/ECF and by U.S. regular mail to each of the parties of record listed on the attached Panel Attorney Service List on this 20<sup>th</sup> day of October 2008.



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